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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wolfgang Schäfer, Ronald Hackbarth and Hans-Dieter Sahn

Serial No: 10/527,930

Filed: March 16, 2005 / Conf. No. 8584

Title: PROCESS AND DEVICE FOR THE MANUFACTURE
OF A PRIMARY UNIT PACK OF A WAFER
(per Preliminary Amendment on filing)

Examiner / Art Unit: ___ / Art Unit 1734

Attorney File: RO0977US (#90568)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-4150

SUBMISSION OF ENGLISH TRANSLATION OF IPER

Sir:

As the above-identified application is the U.S. national phase of PCT/EP2003/009911, we are enclosing copies of the English translation of the International Preliminary Examination Report having a completion date of 10 November 2004 and of its Notification of Transmittal of Copies of Translation to the elected Offices with a mailing date of 28 April 2005.

Respectfully submitted,

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I hereby certify that this document, and anything indicated as being attached or enclosed, is being deposited with the United States Postal Service as First Class mail in an envelope addressed: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date noted below:

Christine Kotran: Christine Kotran

Date: 11 / 9 / 2005

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT
(PCT Rule 72.2)

To:

Eingegangen

FLACCUS, Rolf-Dieter
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ALLEMAGNE

02. MAI 2005

FRIST:.....

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|--|--|
| Date of mailing (day/month/year) 28 April 2005 (28.04.2005) | IMPORTANT NOTIFICATION |
| Applicant's or agent's file reference LTS 2002/108 PCT-FI | |
| International application No. PCT/EP2003/009911 | International filing date (day/month/year) 06 September 2003 (06.09.2003) |
| Applicant LTS LOHMANN THERAPIE-SYSTEME AG et al | |

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

CA, CN, KR, RU

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AU, BR, EP, IL, IN, JP, MX, NO, NZ, PH, PL, US, ZA

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Ellen Moyse

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Translation

PATENT COOPERATION TREATY

PCT/EP2003/009911



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

| | | |
|---|---|--|
| Applicant's or agent's file reference LTS 2002/108 PCT-FI | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/EP2003/009911 | International filing date (day/month/year) 06 September 2003 (06.09.2003) | Priority date (day/month/year) 16 September 2002 (16.09.2002) |
| International Patent Classification (IPC) or national classification and IPC B65B 9/02 | | |
| Applicant LTS LOHMANN THERAPIE-SYSTEME AG | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

| | |
|--|--|
| Date of submission of the demand 10 March 2004 (10.03.2004) | Date of completion of this report 10 November 2004 (10.11.2004) |
| Name and mailing address of the IPEA/EP | Authorized officer. |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/009911

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-10 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____ 1-8 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the drawings:
pages _____ 1-2 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 03/09911

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

| | | | | |
|----|-------------------------------|--------|-------|-----|
| 1. | Statement | | | |
| | Novelty (N) | Claims | 1 - 8 | YES |
| | | Claims | | NO |
| | Inventive step (IS) | Claims | 1 - 8 | YES |
| | | Claims | | NO |
| | Industrial applicability (IA) | Claims | 1 - 8 | YES |
| | | Claims | | NO |

2. Citations and explanations

Document D1 (DE 198 00 682 A, LOHMANN THERAPIE SYST LTS, 15 July 1999 (1999-07-15)) describes a direct precursor of the claimed subject matter and is regarded as the closest prior art. Unlike in D1, in particular according to the embodiment depicted in figure 2, the film of active substance is fed without stresses to the packaging unit in the vertical direction. This ensures an even gentler treatment of the sensitive wafers. A person skilled in the art would not consider the remaining available prior art because it does not relate to wafers and their special conditions. The process as per claim 1 and the corresponding device as per claim 6 should therefore be recognised to involve an inventive step as a whole (PCT Article 33(3)). The dependent claims relate to special embodiments and therefore also meet these requirements.

BOX VII

Certain defects in the international application

The features of the preambles of claims 1 and 6 not followed by reference signs placed between parentheses (PCT Rule 6.2(b)).

BOX VIII

Certain observations on the international application

In claim 1, a process step is defined as "the front end of the active substance film is mechanically guided without stresses...". However, this only indicates the result to be achieved, namely a stress-free guidance, without indicating the technical features which would be required to achieve this result. These would clearly be the transport of the active substance film in the vertical direction under the influence of the force of gravity; the application does not mention or suggest any other possibility. Since the subject matter for which protection is sought is not clearly defined, claim 1 does not meet the requirements of PCT Article 6.

In the device, the cutting tool must obviously be arranged after the separating roller, because otherwise the process according to the preceding claims could not be carried out. The application thus contravenes PCT Article 6 because it lacks clear indications.